

PATENT APPLICATION
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q96948

David George GORDON

Appln. No.: 10/593,469

Group Art Unit: Not Yet Assigned

Confirmation No.: 2757

Examiner: Not Yet Assigned

Filed: September 19, 2006

For: REPROGRAMMING A NON-VOLATILE SOLID STATE MEMORY SYSTEM

RENEWED PETITION UNDER 37 C.F.R. § 1.47(b)

MAIL STOP AF

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Pursuant to 37 C.F.R. § 1.47(b), Applicant hereby petitions to proceed with the prosecution of the above-identified application, which names David George Gordon ("Mr. Gordon") as the sole inventor. A Declaration and Power of Attorney is submitted herewith without the signature of the inventor, but with the signature of a corporate representative of the Applicant, Matsushita Electric Industrial Co., Ltd. ("MEI"), which has a proprietary interest in the application.

This Petition is submitted because the sole inventor of the present application, Mr. Gordon, refuses to sign an oath or declaration for the present application. In connection with this Petition, Applicant is submitting concurrently herewith a Statement of Facts with attached Exhibits 1 through 6. The Statement of Facts is signed by Mr. Stephen Haley, a partner in Gill,

Jennings and Every, LLP, a law firm in the United Kingdom representing the Applicant with the International Application corresponding to the present National Stage Application.

As set forth in MPEP § 409.03(b):

(A) Attached herewith is a Declaration under 37 C.F.R. § 1.63, signed by a person who, as stated in the Declaration, is authorized to sign on behalf of the Applicant, MEI.

(B) The inventor, Mr. Gordon, is the former employee of Panasonic Mobile Communications Development Laboratory ("PMDL"), which is a division of Matsushita Electric Europe, Ltd., which is a division of the Applicant, Matsushita Electric Industrial Co., Ltd. *See* Statement of Facts, ¶2.

(C) Attached herewith is a Statement of Facts that sets forth the factual circumstances surrounding Mr. Gordon's refusal to sign a Declaration for the present Application. Seven exhibits accompany the Statement of Facts. Exhibit 1 is a cover sheet of the corresponding International Application that shows that Matsushita Electric Industrial Co., Ltd. is the Applicant of the International Application. Exhibit 2 is an Invention Disclosure and Acknowledgement of Ownership Agreement, in which Mr. Gordon acknowledges and agrees that MEI is the sole owner of the entire right, title, and interest in and to the invention. The dates of execution have been redacted from Exhibit 2. Exhibits 3 and 4 are letters from Mr. Gordon that evidence his refusal to sign an oath or declaration for the present Application. Exhibit 5 is a copy of the Articles of Association for Matsushita Electric Europe, Ltd., which is a division of MEI. Exhibit

6 is a Memorandum of Law also signed by Mr. Steven Haley. Exhibit 7 is a copy of the relevant portion of the United Kingdom Patents Act 1977.

(D) The last known address at which Mr. Gordon customarily receives mail is stated in the Statement of Facts in paragraph 9.

(E) The Statement of Facts, in paragraphs 4 and 5, describe MEI's ownership interest in the invention. Exhibit 2 to the Statement of Facts evidences the inventor's acknowledgement that MEI is the owner of the entire right, title and interest in the invention, and hence, the subject application. More specifically, the first paragraph Exhibit 2 of the Statement of Facts evidences that PMDL is a division of Matsushita Electric Europe, Ltd. Exhibit 5 is a copy of Articles of Association (*i.e.*, Articles of Incorporation or Letters of Incorporation) for Matsushita Electric Europe, Ltd. Exhibit 5 shows that MEI is the sole shareholder of Matsushita Electric Europe, Ltd. Exhibit 6 is a Memorandum of Law, also signed by Mr. Stephen Haley, stating that given the facts of this case a court of competent jurisdiction of the United Kingdom would award title of the invention to MEI.

It is respectfully submitted that Exhibit 2 establishes a chain of title between PMDL and Matsushita Electric Europe, Ltd. It is also respectfully submitted that Exhibit 5 establishes a chain of title between Matsushita Electric Europe, Ltd and MEI.

Accordingly, it is further respectfully submitted that Applicant has established a *prima facie* case that MEI has a proprietary interest in the subject application.

(F) The filing of the present National Stage application is necessary to preserve the rights of the Applicant. The present application was filed on September 19, 2006, within thirty (30) months of when Great Britain Patent Application No. 0406237.8 was filed on March 19, 2004, from which the International Application claims priority. *See* Statement of Facts, paragraph 10. The filing of the present National Stage application is necessary to preserve the rights of the Applicant to claim priority to March 19, 2004, since the thirty (30) month deadline for filing a National Stage application has passed.

Applicant respectfully requests the Office to grant Applicant's petition.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

/ Christopher J. Bezak /

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WASHINGTON OFFICE

23373

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